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In re Application of :
Miyazono, et al. : LETTER REGARDING
Application No. 10/630,555 : PATENT TERM ADJUSTMENT
Filed: July 30, 2003 :
Atty. Dkt. No.: NY-LUD 5298.5- :
DIV-US :

This is a decision on the "APPLICATION FOR PATENT TERM EXTENSION," filed February 29, 2008. This matter is being treated as an application for patent term adjustment under 37 CFR 1.705(b). Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 597 days to 668 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed January 8, 2008, stated that the patent term adjustment (PTA) to date is 597 days. The instant application for patent term adjustment and issue fee payment were timely filed March 3, 2008.

However, prior to a decision on the application for patent term adjustment being rendered, on July 31, 2008, the application was withdrawn from issue.

In view thereof, a decision is being **held in abeyance** until after the mailing of any new Notice of Allowance and the filing (or resubmission) of any application for patent term adjustment under 37 CFR 1.705(b). A new determination of patent term adjustment will accompany any new Notice of Allowance and will include any further adjustments or reductions accrued to date. Applicant must submit a timely application for patent term adjustment in response to any new Notice of Allowance. An application for patent term adjustment under 37 CFR 1.705(b) is properly filed after the mailing of the Notice of Allowance on which the application issues and prior to payment of the issue fee (or a request for reapplication of the issue fee) in response to that Notice. A copy of this decision should accompany the application for patent term adjustment, along with a request to apply the fee set forth in 37 CFR 1.18(e) paid on February 29, 2008.

Technology Center AU 1646 has been advised of this decision. The application is, thereby, forwarded to the Technology Center for further processing.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Kery Fries".

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy